

UNITED STATES DISTRICT COURT  
for the  
Northern District of West Virginia

MICHAEL D. MICHAEL, et al.

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*Plaintiff(s)*

v.

CONSOLIDATION COAL COMPANY

Civil Action No. 1:14-cv-212

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*Defendant(s)*

**JUDGMENT IN A CIVIL ACTION**

The court has ordered that:

☐ Judgment award      ☐ Judgment costs      ☐ Other

This action was:

☐ tried by jury      ☐ tried by judge      ☒ decided by judge

decided by Judge Irene M. Keeley

The court ADOPTS the Magistrate Judge's Report and Recommendation in its entirety, except for its recommendation that the Court find that the Plaintiffs' complaint alleges a deliberate intent claim; DENIES the Plaintiffs' motion to amend the complaint to add Sacchetti as a defendant; DENIES as MOOT Consolidation Coal Company's motion to strike the amended complaint; GRANTS Consolidations Coal Company's motion to dismiss and DISMISSES WITH PREJUDICE all claims in this case against Consolidation Coal Company.

Date: 3/31/2017

*CLERK OF COURT*

Cheryl Dean Riley

M. Hare, Deputy Clerk

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*Signature of Clerk or Deputy Clerk*